IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 19706 of 2005

Between:

Thota Satyanarayana

..... PETITIONER

AND

Sri Madana Gopala Swamy Temple,

repby Manager, Penakanametta (V),

Kovvur Mandl, West Godavari District

And 2 others

.....RESPONDENTS

ORDER:

Challenging the orders dated 17.08.2005 passed by the 3rd respondent in Appeal No.327 of 2005, confirming the orders of the 2nd respondent dated 27.06.2005, the present writ petition is filed.

It is the case of the petitioner that he is the tenant of the 1st respondent to an extent of Ac.2.56 cents dry land situated in Sy.No.44 of Penakanametta village, Kovvur Mandal, West Godavari District. He also owns an extent of Ac.2.11 cents of dry land in the same village. He is a landless poor person as defined under Section 82 of A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987. Though the respondent authorities issued notices under rule 5(1) of A.P.Charitable and Hindu Religious Institutions and Endowments lease of Agricultural Lands Rules 2002 to all tenants, no notice was issued to the petitioner, and he has been continuing as tenant of the 1st respondent. In the meanwhile the 2nd respondent asked the petitioner to prove his status as landless poor person, for which the petitioner produced his material. But the 2nd respondent passed orders dated 27.06.2005 stating that the petitioner has not filed any documents showing that he is a small farmer. Aggrieved by the same, the petitioner preferred an appeal before the 3rd respondent and the same was dismissed on 17.08.2005, confirming the orders of the 2nd respondent. Hence the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

The learned counsel for the petitioner contended that there is no material filed before the original authority or the appellate authority to show that the petitioner has got more than Ac.5.00 of dry land, and also there is no evidence that the annual income of the petitioner is Rs.24,000/-, and therefore, the findings of the original authority as well as the appellate authority are not based upon any evidence.

On the other hand, the learned Government Pleader for Endowments contended that basing on the material available on record, the original authority and the appellate authority gave concurrent findings that the petitioner is not a landless poor person and those findings cannot said to be perverse or contrary to law, and therefore, there are no grounds to interfere with the impugned order.

The petitioner made a representation before the original authority i.e. the 2nd respondent, requesting to declare him as landless poor person. The 2nd respondent passed orders in Rc.No.A4/4073/2005 Adm. Dated 27.06.2005, rejecting the request of the petitioner to declare him as landless poor person because he has not produced any evidence. Aggrieved by the same, the petitioner preferred an appeal before the

3rd respondent. Both the petitioner and the 2nd respondent appeared before the 3rd respondent, but the petitioner failed to produce any evidence before the appellate authority to show that he is a small farmer. However, the Manager of the 1st respondent temple produced 10(1) Adangal to establish that the petitioner owns an extent of

Ac.4.24 ½ cents of dry land. Even according to the petitioner, he is in possession of Ac.2.56 cents of dry land. Therefore, the petitioner was in possession of more than Ac.5.00 of dry land, and hence, he will not come under the definition of landless poor person. Further more the appellate authority has taken notice that the petitioner is a pink card holder and his annual income is Rs.24,000/-. The findings of the original authority and the appellate authority are based upon some material available on record, and therefore, it cannot be said that the findings are perverse and not based upon any evidence so as to call for interference of this Court with the impugned order. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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K.C. BHANU,J

Dated: 06.09.2005

Dsr